

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA

v.

JOHNNY MACK BROWN,

Defendant.

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Case No. 3:94CR00027

FINAL ORDER

By: James P. Jones

United States District Judge

For reasons stated in the accompanying Opinion, it is **ORDERED** that:

1. Defendant's Motion for Reconsideration (ECF No. 385) is **DENIED**, and is also **CONSTRUED** as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255;

2. The Clerk is **DIRECTED** to redocket the defendant's pro se motion (ECF No. 385) as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255, for administrative reasons;

3. The § 2255 motion is hereby **DENIED** without prejudice as successive and is stricken from the active docket of the court; and

4. A Certificate of Appealability is **DENIED**, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: October 2, 2013

/s/ James P. Jones

United States District Judge